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REMARKS

Claims. In the Final Office Action, Examiner Jackson rejected pending claims 1-10 and 12-17 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration of the present application:

- A. Examiner Jackson rejected claims 1-5, 14 and 17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,991,240 to *Van Ryzin* in view of U.S. Patent No. 6,469,239 to *Fukuda*

The Applicant has thoroughly considered Examiner Jackson's remarks concerning the patentability of claims 1-5, 14 and 17 over *Van Ryzin* in view of *Fukuda*. The Applicant has re-read *Van Ryzin* and *Fukuda* in combination. To warrant this obviousness rejection of claims 1-5, 14 and 17, there must be some suggestion or motivation, either in *Van Ryzin* and/or *Fukuda* or in the knowledge generally available to one of ordinary skill in the art, to modify *Van Ryzin* in view of *Fukuda*. The teaching or suggestion to modify *Van Ryzin* in view of *Fukuda* must be found in the prior art *Van Ryzin* and *Fukuda*, not in the disclosure of the present application. Furthermore, the mere fact that *Van Ryzin* can be modified in view of *Fukuda* does not render the resultant combination obvious unless the prior art *Van Ryzin* and *Fukuda* also suggests the desirability of the combination. See MPEP §2143. The Applicant respectfully traverses this obviousness rejection of claims 1-5, 14 and 17, because there is no suggestion or motivation to modify *Van Ryzin* in view of *Fukuda* whereby *Van Ryzin* includes a digital signal processor "for receiving a first data signal from the external source and for decoding the first data signal to obtain the audio data file" and a programmable controller "for activating an alarm sound coded in the audio data file in response to the programmable controller determining that the alarm sound is required to fulfill one or more programming instructions executed by the programmable controller" as recited in independent claim 1.

Specifically, *Van Ryzin* discloses a programmable controller 16 for activating an alarm sound coded in a sound circuit 22 in response to the programmable

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controller 16 determining that the alarm sound is required to fulfill one or more programming instructions executed by the programmable controller 16. See, Van Ryzin at column 3, lines 29-42. Neither *Van Ryzin* nor *Fukuda* teaches a DSP capable of decoding an audio data file from a TV broadcast signal as required by *Van Ryzin*. Thus, this obviousness rejection essentially requires *Van Ryzin* to incorporate a DSP as taught by *Fukuda* in addition to or integrated with DPS 14 and to program microcontroller 16 to receive the audio data file from the new/integrated DSP. The motivation for this as asserted by Examiner Jackson is to provide a greater selectivity of sound data. However, *Van Ryzin* teaches the use of sound card 22 as the means for providing the necessary sound data for holiday purposes and thus there is no need to provide an even greater selectivity of sound data. The Applicant respectfully asserts that having a greater selection of sound beyond that necessary for the principle operation of *Van Ryzin* is unnecessarily extravagant and excessive, and thus, there is no suggestion or motivation to modify *Van Ryzin* in view of *Fukuda* as asserted by Examiner Jackson.

Withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a) as being unpatentable over *Van Ryzin* in view of *Fukuda* is therefore respectfully requested.

Claims 2-5, 14 and 17 depend from independent claim 1. Therefore, dependent claims 2-5, 14 and 17 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2-5, 14 and 17 are allowable over *Van Ryzin* in view of *Fukuda* for at least the same reasons as set forth herein with respect to independent claim 1 being allowable over *Van Ryzin* in view of *Fukuda*. Therefore, withdrawal of the rejection of dependent claims 2-5, 14 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Van Ryzin* in view of *Fukuda* is respectfully requested.

- B. Examiner Jackson rejected claims 6-10, 12, 13, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,991,240 to *Van Ryzin* in view of U.S. Patent 6, 469,239 to *Fukuda* and in further view of U.S. Patent No. 5,832,067 to *Herold*

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Claims 6-10, 12, 13, 15 and 16 depend from independent claim 1. Therefore, dependent claims 6-10, 12, 13, 15 and 16 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 6-10, 12, 13, 15 and 16 are allowable over *Van Ryzin* in view of *Fukuda* and in further view of *Herold* for at least the same reasons as set forth herein with respect to independent claim 1 being allowable over *Van Ryzin* in view of *Fukuda*. Therefore, withdrawal of the rejection of dependent claims 6-10, 12, 13, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Van Ryzin* in view of *Fukuda* and in further view of *Herold* is respectfully requested.

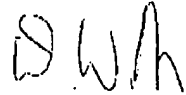
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SUMMARY

The Applicant respectfully submits that claims 1-10 and 12-17 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Jackson is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: May 2, 2005

Respectfully submitted,
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